



Wiley Rein & Fielding LLP

1776 K STREET NW
WASHINGTON, DC 20006
PHONE 202.719.7000
FAX 202.719.7049

Virginia Office
7925 JONES BRANCH DRIVE
SUITE 6200
McLEAN, VA 22102
PHONE 703.905.2800
FAX 703.905.2820

www.wrf.com

January 10, 2006

Helgi C. Walker
202.719.7349
hwalker@wrf.com

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TWB204
Washington, DC 20554

Re: Confidential Verizon Wireless Documents, WT Docket Nos. 05-193, 05-194, Petition For Declaratory Ruling Filed By CTIA Regarding Whether Early Termination Fees Are "Rates Charged" Within 47 U.S.C. Section 332(C)(3)(A).

Dear Ms. Dortch:

On December 28, 2005, counsel for plaintiffs in a pending California state court litigation against Verizon Wireless and other wireless providers, *In re CellPhone Termination Fee Cases*, J.C.C.P. 4332 (Superior Court of California, County of Alameda), submitted a letter indicating that they were filing highly confidential documents in the above-captioned dockets. Verizon Wireless and others wireless carriers produced these documents pursuant to a protective order and the California judge's mandatory discovery orders.

While plaintiffs' counsel stated that such documents are "believed to be confidential" and requested confidential treatment for such documents pursuant to 47 C.F.R. § 0.457(d)(2) & 47 C.F.R. § 0.459(b), plaintiffs' counsel neglected to copy counsel for Verizon Wireless or otherwise inform Verizon Wireless that its highly confidential documents were filed. Counsel for Verizon Wireless in the California litigation subsequently contacted plaintiffs' counsel to obtain a list of Verizon Wireless documents that plaintiffs' submitted to the Commission. Unfortunately, plaintiffs' counsel refused to provide such information.

To ensure that the procedures set forth in the Court's order are adhered to and that no Verizon Wireless proprietary information is disclosed publicly, Verizon Wireless respectfully requests that the Commission inform the undersigned counsel if any documents submitted by plaintiffs are stamped with "VZWRLXXXXX", which identifies the document as a Verizon Wireless document. If plaintiffs' counsel filed any such documents, Verizon Wireless also requests that: (1) the FCC provide a list

Ms. Marlene Dortch

January 10, 2006

Page 2

of all bates numbers that are stamped "VZWRL;" or (2) the FCC permit a representative from Verizon Wireless to review the "VZWRL" documents at the FCC to identify Verizon Wireless documents that were submitted.

Pending Verizon Wireless's review of the documents, Verizon Wireless asks that the Commission keep the documents confidential and withheld from public disclosure. Verizon Wireless emphasizes that it seeks only to protect its proprietary information produced pursuant to discovery requirements and protective order in private litigation and does not seek to hinder plaintiffs' ability to file appropriate comments in the CTIA and SunCom declaratory rulings. Thus, Verizon Wireless commits to identify any confidential information contained in plaintiffs' filings and to promptly take all necessary action to ensure confidential treatment thereof.

We appreciate your attention to this matter.

Sincerely yours,

/s/ Helgi C. Walker

Helgi C. Walker

cc: Sam Feder, Acting General Counsel
Matthew Berry, Acting Deputy General Counsel
Joel Kaufman, Deputy Associate General Counsel
Alan R. Plutzik, Counsel for plaintiffs
L. Timothy Fisher, Counsel for plaintiffs
Reed R. Kathrein, Counsel for plaintiffs
Jacqueline E. Mottek, Counsel for plaintiffs
Shana E. Scarlett, Counsel for plaintiffs
Aelish M. Baig, Counsel for plaintiffs
Jennie Lee Anderson, Counsel for plaintiffs
J. David Franklin, Counsel for plaintiffs
Kristin Linsley Myles, Counsel for Verizon Wireless
Patricia Sunar, Verizon Wireless